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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,684	08/05/2003	Thaddeus J. Mielnik	MEDZ 2 01312	7138
7590 11/13/2007 Thomas E. Kcovsky, Jr. FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleeland, OH 44114-2518			EXAMINER JOYNER, KEVIN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,684	MIELNIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin C. Joyner	1797	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 7, 10-13, 15, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Wen (U.S. Patent No. 7,067,089) and Gabriele (U.S. Publication No. 2003/0085147).

Concerning claims 1 and 6, Ryan discloses a method for handling mailed items (concerning claim 15) potentially contaminated with a pathogenic agent comprising:

Sorting the potentially contaminated items in an enclosure (12); and

Treating at least a portion of the sorted items with a first decontaminant comprising an oxidizing gas (concerning claim 2; column 7, lines 1-5) capable of destroying the pathogenic agent in a chamber (13) which is selectively connected with the enclosure and is isolatable from the enclosure (columns 6 & 7, lines 56-68 & 1-55 as well as column 8, lines 28-37 respectively). More specifically, the singulator (12) takes a stack of mailed items and separates them and places them into position to be sanitized. Ryan does not appear to disclose that the items are separated between a set of items that are unsuited to treatment with a first decontaminant and the remaining

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potentially contaminated items. Wen discloses a method for handling items potentially contaminated with a pathogenic agent comprising:

Sorting the potentially contaminated items to separate items which are unsuited to treatment with a first decontaminant from remaining potentially contaminated items (concerning claim 39); treating at least a portion of the sorted items with a first decontaminant and treating an enclosure with a second decontaminate (column 2, lines 25-40) in order to avoid exposure of the unsuited items to the first decontaminant and maximize the sterilization process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to sort the potentially contaminated items to separate items which are unsuited to treatment with a first decontaminant from remaining potentially contaminated items and treat an enclosure with a second decontaminate in order to avoid exposure of the unsuited items to the first decontaminant and maximize the sterilization process as exemplified by Wen. Ryan in view of Wen does not appear to disclose treating the enclosure with a decontaminant. Gabriele discloses a method of decontaminating an enclosure with potentially contaminated items in the enclosure (paragraphs 2-4). The reference continues to disclose that the enclosure is decontaminated with a decontaminant, wherein the step of treating the enclosure with the second decontaminant is performed after the items have been removed from the enclosure (concerning claim 37; disclosed in paragraph 8) in order to provide a sterile enclosure for items that may be placed in the enclosure in the future (paragraphs 2-4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan in view of Wen to

decontaminate the enclosure with a decontaminate in order to provide a sterile enclosure for items that may be placed in the enclosure in the future as exemplified by Gabriele.

Concerning claim 7, Ryan continues to disclose that prior to the step of treating at least a portion of the items with a first decontaminant:

Transporting the at least a portion of the items from the enclosure to the chamber connected with the enclosure; and

Closing off the chamber from the enclosure (column 7, lines 35-38; column 7, lines 45-55; column 8, lines 30-37). Regarding claim 10, the reference continues to disclose that the enclosure is operated under a negative pressure. As disclosed in column 7, lines 33 and 34, the enclosure is in a sanitization room that is operated under negative pressure, therefore it is operated under a negative pressure.

In regards to claim 11, Ryan continues to disclose that the step of sorting includes using manipulators to sort the items; and placing the items to be decontaminated with the first decontaminant in a basket (column 11, lines 4-10; column 12, lines 40-56; column 11-29). More specifically, the enclosure (referenced as a singulator; column 12, lines 9-11) sorts the items using manipulators and places the items in a sort bin (column 12, lines 40-56), which is a bucket (a known equivalent alternative to a basket) as disclosed in column 11 lines 4-10, that are to be decontaminated with the first decontaminant (column 13, lines 10-26) as shown in Figure 9c.

Concerning claims 12 and 13, the reference also discloses loading the at least a portion of the items into a basket (as discussed in the previous paragraph); transporting the basket into the chamber of a sterilizer connected with the enclosure (column 13, lines 11-20); evacuating the sterilizer chamber; and introducing gaseous sterilant to the chamber, the items being kept in the sterilizer for a sufficient time to decontaminate the items (column 7, lines 1-8). More specifically, the chamber (13) is kept in a sanitization room that is kept under a continuous negative pressure, therefore it is operated under a negative pressure that would evacuate and aerate the chamber. Furthermore, as the sterilant is added to the chamber, the constant negative pressure will remove the sterilant from the chamber. Once the sterilant is no longer being introduced, the negative pressure will remove the residual sterilant in the chamber and provide a constant flow of air into the chamber because it is not operated in an airtight manner.

Regarding claim 38, Ryan continues to disclose that the sorting step is performed prior to treating the sorted items as shown in Figure 5a.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Wen (U.S. Patent No. 7,067,089) and Gabriele (U.S. Publication No. 2003/0085147) as applied to claims 1 and 2 above, and further in view of Baran (U.S. Patent No. 4,241,010).

Ryan in view of Wen and Gabriele is relied upon as set forth in reference to claims 1 and 2 above. Ryan in view of Wen and Gabriele does not appear to disclose the oxidizing gas includes ethylene oxide. Baran discloses biocidal gas sterilization methods in which ethylene oxide is used to sterilize items (column 1, lines 8-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Ryan in view of Wen and Gabriele to utilize ethylene oxide to sterilize the items, as is a known sterilant against harmful bacteria as exemplified by Baran.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Wen (U.S. Patent No. 7,067,089) and Gabriele (U.S. Publication No. 2003/0085147) as applied to claim 1 above, and further in view of Adamski (Derwent Publication No. DE 19537630 A1).

Ryan in view of Wen and Gabriele do not appear to specifically disclose the type of decontaminant that is used to decontaminate the enclosure. However, it is extremely well known in the art of sterilization to decontaminate an enclosure with a hydrogen peroxide vapor. One such example is disclosed by Adamski wherein the reference discloses a method for handling items potentially contaminated with a pathogenic agent comprising sorting the potentially contaminated items in a chamber (page 1, paragraphs 1-3); and treating at least a portion of the items and an enclosure with a decontaminant capable of destroying a pathogenic agent comprising an antimicrobial vapor of hydrogen peroxide as disclosed in paragraphs 1-6. More specifically, the decontaminant is supplied to an enclosure (5) wherein the item and the enclosure are decontaminated by the vapor. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the antimicrobial vapor of hydrogen peroxide in the method of Ryan in view of Wen and Gabrielle to decontaminate the



enclosure, as such is a commonly known decontaminate in the art of sterilization as exemplified by Adamski.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Wen (U.S. Patent No. 7,067,089) and Gabriele (U.S. Publication No. 2003/0085147) as applied to claim 1 above, and further in view of Folsom et al. (U.S. Patent No. 4,111,753).

Ryan in view of Wen and Gabrielle is relied upon as set forth in reference to claim 1 above. Ryan in view of Wen and Gabrielle does not appear to disclose how the items are introduced to the enclosure. More specifically, that the items are introduced in a sealed container including: connecting the sealed container containing the items with an interlock which selectively provides access to the enclosure while forming a seal between the container and the interlock; with the container connected to the interlock, opening the container to the enclosure; and introducing the items to the enclosure from the container. Folsom discloses an apparatus and method for transferring items to a sealed chamber from a sealed container. The patent continues to disclose that the items are introduced in a sealed container (30) including: connecting the sealed container containing the items with an interlock which selectively provides access to the enclosure while forming a seal between the container and the interlock; with the container connected to the interlock, opening the container to the enclosure; and introducing the items to the enclosure from the container (as disclosed in column 3, lines 53-68 as well as Figures 1, 4, and 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the



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method of Ryan in view of Wen and Gabrielle, introducing the items into the enclosure as exemplified by Folsom in order to keep the enclosure from being contaminated by the surroundings as well as to keep the surroundings contamination free from any of the decontaminates located in the enclosure.

6. Claims 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Wen (U.S. Patent No. 7,067,089) and Gabriele (U.S. Publication No. 2003/0085147) as applied to claims 1 and 15 above, and further in view of Clark (U.S. Patent No. 4,317,521).

Ryan in view of Wen and Gabriele is relied upon as set forth in reference to claims 1 and 15 above. Ryan in view of Wen and Gabriele continue to disclose utilizing an x-ray machine in the method to detect a pathogenic agent (column 10, lines 7-40). Ryan in view of Wen and Gabriele does not appear to disclose that the x-ray machine is within the enclosure. Clark discloses a method of sorting items in an enclosure. The reference further discloses that the enclosure includes an x-ray machine utilized to examine the items within the enclosure as disclosed in columns 3 & 4, lines 15-68 & 1-36, in order to minimize the number of steps in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan in view of Wen and Gabriele to examine at least a portion of the items with an x-ray machine within the enclosure in order to minimize the number of steps needed to perform the process as exemplified by Clark. Concerning claim 17, Ryan discloses employing at least one detector (the x-ray machine) capable of detecting at least one pathogenic agent when present at a detectable level, wherein at least one step

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of treating the sorted items with the pathogenic agent is tailored according to the level of pathogenic agent detected or the type of pathogenic agent detected to improve the effectiveness of the step (column 10, lines 8-14; column 7, lines 1-4). Ryan does not appear to disclose that the detector detects the agents within the enclosure. As discussed above, Clark discloses a method of sorting items in an enclosure. The reference further discloses that the enclosure includes an x-ray machine utilized to examine the items within the enclosure as disclosed in columns 3 & 4, lines 15-68 & 1-36, in order to minimize the number of steps in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan in view of Wen and Gabriele to detect the agents within the enclosure with the detector in order to minimize the number of steps, and reduce the amount of materials needed to perform the process as exemplified by Clark. Regarding claim 16, Ryan discloses scanning a document in the mail with a scanning device to generate a scanned image; and transmitting the scanned image to a location outside the enclosure (column 10, lines 25-39). More specifically, the x-ray machine produces images and therefore scans the items. Ryan does not appear to disclose scanning a document within the enclosure. As discussed above, Clark discloses a method of sorting items in an enclosure. The reference further discloses that the enclosure includes an x-ray (which is a scanner) machine utilized to examine the items within the enclosure as disclosed in columns 3 & 4, lines 15-68 & 1-36, in order to minimize the number of steps in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan in view of Wen and Gabriele to

scan the documents within the enclosure in order to minimize the number of steps, and reduce the amount of materials needed to perform the process as exemplified by Clark.

7. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Mueller et al. (U.S. Patent No. 5,792,435) and Folsom et al. (U.S. Patent No. 4,111,753).

Ryan discloses a method for handling items potentially contaminated with a pathogenic agent comprising; sorting items within an isolated enclosure (12); transporting the items through an outlet into a decontamination chamber (13); treating the portion of the sorted items in the decontamination chamber with a first decontaminant capable of destroying the pathogenic agent; and while the portion of the sorted items is being treated in the decontamination chamber, receiving and sorting additional items in the isolated enclosure as disclosed in relation to claims 1-2, 4-7, 10-13, 15 and 37-39 (column 7, lines 1-50). More specifically the system of the present works in a continuous fashion wherein the feeder (10) feeds the singulator (12), which sorts the items, and sends them to the sanitizer (13). The sanitizer comprises a transporting means for continuously transporting the items to the clean room (42) for further processing. Therefore, while a portion of the sorted items are being treated in the decontamination chamber (13), the enclosure is receiving additional items. Furthermore, Ryan discloses that the singulator (12) separates a stack of items and positions them in order to allow the items to be sufficiently sanitized. Therefore, the singulator (12) sorts the items. Ryan does not appear to disclose the steps wherein; an outlet door is opened that is located between the enclosure and an

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isolated region; the sorted items are moved through the outlet door into a sealable decontamination chamber; and sealing the decontamination chamber from the enclosure.

Mueller discloses a method for handling items potentially contaminated with a pathogenic agent comprising:

Transporting the items in a container (column 4, lines 1-10);

Connecting the container to an isolated enclosure (14);

Using manipulators to manipulate the items in the containers within the isolated enclosure (column 3, lines 40-47)

Opening an outlet door between the isolated enclosure and an isolated region;

Moving at least a portion of the items through the outlet door and the isolated region into a sealable decontamination chamber (14'); and

Sealing the decontamination chamber from the enclosure; and

Treating the portion of the sorted items in the decontamination chamber with a first decontaminant capable of destroying the pathogenic agent as disclosed in Figure 3, and column 5, lines 24-63. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan to utilize the airtight enclosure and chamber of Mueller in order to reduce the risk of contaminating unnecessary areas throughout the process as exemplified by Mueller.

Ryan in view of Muller do not appear to disclose; transporting the items in a sealed container; connecting the sealed container to an isolated enclosure in an airtight manner; or using manipulators, opening the container to an interior of the

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enclosure, and removing the items from the container into the enclosure. Folsom discloses an apparatus and method for transferring items to a sealed chamber from a sealed container. The method continues to disclose that; the items are transported in a sealed container (30); the sealed container is connected to an isolated enclosure in an airtight manner; and using manipulators, the container is opened to an interior of the enclosure, wherein the items are removed from the container into the enclosure (column 3, lines 42-68 as well as Figures 1, 4, and 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Ryan in view of Mueller, transporting the items in a sealed container, connecting the sealed container in an airtight manner, and using manipulators to open the container into the interior of the enclosure in order to remove all possibilities of contaminating the outside environment to pathogenic agents as exemplified by Folsom. Concerning claim 32, Ryan continues to disclose that after treating the portion of the sorted items in the decontamination chamber, removing the treated items directly to atmosphere without going through the enclosure as shown by the arrows in Figure 5a.

8. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Mueller et al. (U.S. Patent No. 5,792,435) and Folsom et al. (U.S. Patent No. 4,111,753) as applied to claims 31 and 32 above, and further in view of Gabriele (U.S. Publication No. 2003/0085147).

Ryan in view of Mueller and Folsom are relied upon as set forth above. Ryan in view of Mueller and Folsom do not appear to disclose treating the enclosure with a

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decontaminant. Gabriele discloses a method of decontaminating an enclosure with potentially contaminated items in the enclosure (paragraphs 2-4). The reference continues to disclose that the enclosure is decontaminated with a decontaminant, wherein the step of treating the enclosure with the decontaminant is performed after the items have been removed from the enclosure (paragraph 8) in order to provide a sterile enclosure for items that may be placed in the enclosure in the future (paragraphs 2-4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Ryan in view of Mueller and Folsom to decontaminate the enclosure with a decontaminate in order to provide a sterile enclosure for items that may be placed in the enclosure in the future as exemplified by Gabriele.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Mueller et al. (U.S. Patent No. 5,792,435), Folsom et al. (U.S. Patent No. 4,111,753) and Gabriele (U.S. Publication No. 2003/0085147) as applied to claims 31-34 above, and further in view of Baran (U.S. Patent No. 4,241,010).

Ryan in view of Mueller, Folsom, and Gabriele are relied upon as set forth above. Ryan continues to disclose wherein treating the portion of the sorted items in the decontamination chamber includes: evacuating the decontamination chamber; introducing a gaseous vapor; removing the vapor from the chamber; and aerating the sorted items in the decontamination chamber to remove absorbed vapor as referenced with respect to claims 12 and 13. Ryan in view of Mueller, Folsom and Gabriele does not appear to disclose that the gaseous vapor is ethylene oxide. Baran discloses

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biocidal gas sterilization methods in which ethylene oxide is used to sterilize items (column 1, lines 8-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Ryan in view of Mueller, Folsom and Gabriele using ethylene oxide to sterilize items as is a known sterilant against harmful bacteria as exemplified by Baran. Regarding claim 36, Baran continues to disclose that the decontaminant used to treat the enclosure includes hydrogen peroxide as referenced with respect to claim 5.

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan Jr. et al. (U.S. Patent No. 7,071,437) in view of Mueller et al. (U.S. Patent No. 5,792,435), Folsom et al. (U.S. Patent No. 4,111,753), Gabriele (U.S. Publication No. 2003/0085147) and Baran (U.S. Patent No. 4,241,010) as applied to claim 35 above, and further in view of Adamski (Derwent Publication No. DE 19537630 A1).

Ryan in view of Mueller, Folsom, Gabriele and Baran do not appear to specifically disclose the type of decontaminant that is used to decontaminate the enclosure. However, it is extremely well known in the art of sterilization to decontaminate an enclosure with a hydrogen peroxide vapor. One such example is disclosed by Adamski wherein the reference discloses a method for handling items potentially contaminated with a pathogenic agent comprising sorting the potentially contaminated items in a chamber (page 1, paragraphs 1-3); and treating at least a portion of the items and an enclosure with a decontaminant capable of destroying a pathogenic agent comprising an antimicrobial vapor of hydrogen peroxide as disclosed in paragraphs 1-6. More specifically, the decontaminant is supplied to an enclosure (5)



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wherein the item and the enclosure are decontaminated by the vapor. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the antimicrobial vapor of hydrogen peroxide in the method of Ryan in view of Mueller, Folsom, Gabriele and Baran to decontaminate the enclosure, as such is a commonly known decontaminate in the art of sterilization as exemplified by Adamski.

### ***Response to Arguments***

11. Applicant's arguments filed August 30, 2007 regarding the limitations that the items are sorted in the enclosure (12) of Ryan Jr. et al. (U.S. Patent No. 7,071,437) have been fully considered but are not persuasive (concerning claims 1, 6, and 31).

*Applicant's principle argument is:*

*(a) The Examiner argues that the singulator of Ryan sorts the items. However, the singulator merely separates the items, one from another, for processing.*

Ryan discloses, and the Applicant concedes that the singulator separates the items one from another. The feeder (10) of Ryan sends a plurality of items to the singulator (12), wherein the singulator separates the items and sends them, individually, further down the line for processing. The singulator also positions the items in a certain manner in order to ensure that they are properly sanitized as shown in Figures 5c-5e. Thus, separating and positioning the items to provide each item in an individual state for further processing is sorting the items.

12. Applicant's arguments, see pages 8 and 9, filed August 30, 2007, with respect to the rejection(s) of claim(s) 1-18 and 31-39 under 35 U.S.C. 103(a) have been fully

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considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Ryan Jr. et al. (U.S. Patent No. 7,071,437), Wen (U.S. Patent No. 7,067,089), Gabriele (U.S. Publication No. 2003/0085147), Adamski (Derwent Publication No. 19537630), Baran (U.S. Patent No. 4,241,010), Folsom et al. (U.S. Patent No. 4,111,753), Mueller (U.S. Patent No. 5,792,435) and Clark et al. (U.S. Patent No. 4,317,521).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C. Joyner whose telephone number is (571) 272-2709. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCJ



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SUPERVISORY PATENT EXAMINER